

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ADAM TARBANIA,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Civil Action No. 6:20-cv-00492-TJM

Consent Order for Payment of Fees under the Equal Access to Justice Act

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412) in the amount of four thousand, four hundred two dollars and sixty-seven cents (\$4,402.67).


The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to her attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

AND, the Court having reviewed the record in this matter;

IT IS on this 18th day of January, 2022;

ORDERED that Plaintiff be awarded fees under EAJA in the amount of \$4,402.67, and that the fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset, payable to Plaintiff's attorney.

ORDERED that the within matter is dismissed with prejudice.


HON. THOMAS J. McAVOY
UNITED STATES DISTRICT COURT

The undersigned hereby consent to the form and entry of the within order.

Dated: January 18, 2022

Respectfully Submitted,

Kilolo Kijakazi,

Adam Tarbania,

By Her Attorneys:

By His Attorney:

CARLA B. FREEDMAN,
United States Attorney

/s/ Timothy S. Bolen
Timothy S. Bolen
Special Assistant United States Attorney
N.D.N.Y. Bar Roll No. 700988
Social Security Administration
Office of the General Counsel
J.F.K. Federal Building, Room 625
Boston, MA 02203
(617) 565-2367
timothy.bolen@ssa.gov

/s/ Howard D. Olinsky¹
Howard D. Olinsky, Esq.
Bar Roll Number 102297
Olinsky Law Group
250 S. Clinton St., Suite 210
Syracuse, NY 13202
(315) 701-5780
holinsky@windisability.com

¹ Signed by Timothy Bolen with Howard Olinsky's permission.